

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re  
**Van's Aircraft, Inc.**

Case No. **23-62260-dwh11**  
☒ Amended

Debtor

**CLAIM OBJECTION**

Notice to claimant, **Dale O Giese**

**Van's Aircraft, Inc. (Debtor)** [enter name of objecting party]  
has filed this objection to your claim number **387\*** in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then, within 30 days from the service date below, you or your attorney must do one of the following:

1. Obtain a written withdrawal of the claim objection by the objector. To obtain a withdrawal, you may need to provide the objector with any documentation supporting your claim that was not included when you filed your claim with the court. You should send this documentation to the objector at the service address listed at the bottom of the claim objection. The written withdrawal of the objection must be filed with the court within 30 days of the service date below.
2. Prepare a written response to the objection, explaining your position, and file both the written response and a certificate showing a copy of the response has been served on the objector at the service address listed at the bottom of the claim objection with the clerk at 1050 SW 6th Ave #700, Portland, OR 97204 or 405 E 8th Ave #2600, Eugene, OR 97401. If you mail your response to the court for filing, you must mail it early enough so that the court will receive it within 30 days of the service date below.

If you or your attorney do not take one of these steps within 30 days of the service date below, the court may decide that you do not oppose the objection to your claim and reduce, modify, or eliminate your claim without further notice or a hearing.

**Objection to Claim**

1. The undersigned objects to proof of claim no. **387\*** (claim) in the amount of \$ **550,000.00** filed on behalf of **Dale O Giese** (creditor).

*\* Claim Objection amended to note correct claim no. for Mr. Giese.*

2. The undersigned objects to the claim for the following reasons [*check all applicable reasons*]:

☒ Claim duplicates proof of claim no. 572 filed on behalf of Van's Aircraft, Inc. Employee Stock Ownership Plan (creditor).

☐ Claim fails to assert grounds for priority, or grounds asserted are not valid as described below in "Other."

☐ Claim was not filed on behalf of the real party in interest.

☐ Claim appears to include interest or charges accrued after the petition date.

☐ Value of collateral exceeds debt.

☐ Claim arrearage asserted is incorrect.

☐ Claim is a secured claim, but creditor neither (a) specified that any portion of claim should be treated as unsecured nor (b) requested a hearing to determine value of collateral.

☐ Claim includes taxes assessed against real or personal property, but the interest of the estate in the property against which taxes were assessed has no value because estate has no equity or interest in the property.

☐ Claim does not include documentation required by Federal Rule of Bankruptcy Procedure 3001(c) and (d) (for example, a copy of the note or documents establishing secured status or an assignment of the claim to creditor), and another reason for disallowance is stated in this objection.

☐ Claim does not require future distribution because (state reason, for example, creditor obtained relief from stay or has been paid in full from another source):

☒ Other:

**Claim relates to benefits in the Van's Aircraft Employee Stock Ownership Plan (the "ESOP") as a result of claimant's status as a participant in the ESOP. Claim is duplicative with Claim 572 asserted by the ESOP in this bankruptcy case and will be resolved through the ESOP termination process and is covered by Claim 572.**

3. The undersigned moves that the claim be [*check applicable boxes*]:

☒ Disallowed in full.

☐ Disallowed for any distribution.

☐ Allowed as filed, but not entitled to further distributions from the trustee greater than the amount already paid, \$\_\_\_\_\_.

☐ Allowed as [*fill in each blank, even if amount is \$0*]:

- a secured claim for \$\_\_\_\_\_ ,
- a priority unsecured claim for \$\_\_\_\_\_ , and
- a nonpriority unsecured claim for \$\_\_\_\_\_ .

☐ Allowed with an arrearage of \$\_\_\_\_\_ (if amount of arrearage is contested).

Date: 08/16/2024 Signature: /s/ Timothy J. Conway

Name: Timothy J. Conway

Relation to Case: Attorney for Debtor

Service Address: Tonkon Torp LLP, 888 SW Fifth Ave., Ste. 1600,  
Portland, OR 97204

Phone #: 503-802-2027

Email Address: tim.conway@tonkon.com

Last 4 digits of Taxpayer ID# (if objector is debtor): -7693

### Certificate of Service

I certify that on 08/16/2024 (service date) this objection was served pursuant to Federal Rule of Bankruptcy Procedure (FRBP) 3007(a)(2) on the claimant, debtor and, if applicable, the entity filing the proof of claim under FRBP 3005, and that the names, addresses, and methods used for service are as follows [*attach additional page if necessary*]:

**Dale O Giese**  
**31695 S Kyllö Way**  
**Molalla, OR 97038**

Timothy J. Conway  
Printed Name

/s/ Timothy J. Conway  
Signature

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re

Van's Aircraft, Inc.,

Debtor.

Case No. 23-62260-dwh11

**NOTICE OF 30-DAY DEADLINE TO  
OBJECT TO MOTION FOR ENTRY OF  
ORDER EXTENDING DEADLINE TO  
OBJECT TO CLAIMS**

**NOTICE IS HEREBY GIVEN** that on July 30, 2024, Van's Aircraft, Inc. ("Van's") filed the attached Motion for Entry of Order Extending Deadline to Object to Claims (the "Motion") [ECF No. 156].

**NOTICE IS FURTHER GIVEN** that you have 30 days from the service date below to object to the Motion. Any objection to the Motion should set forth the specific grounds for the objection and your relation to the case, be filed with the Clerk of the Court at U.S. Bankruptcy Court, 405 E. 8th Ave., #2600, Eugene, OR 97401, and be served on Debtor's counsel, Timothy Conway, Tonkon Torp, LLP, 888 SW Fifth Ave., Suite 1600, Portland, OR 97204. If no objection is received, Van's will proceed to take the proposed action without further notice or a hearing.

DATED: August 16, 2024.

TONKON TORP LLP

By /s/ Timothy J. Conway

Timothy J. Conway, OSB No. 851752  
Michael W. Fletcher, OSB No. 010448  
Ava Schoen, OSB No. 044072  
Attorneys for Debtor

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12 Portland, OR 97204  
13 Main: 503.221.1440  
14 Facsimile: 503.274.8779  
15 Attorneys for Debtor

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

16 In re  
17 Van's Aircraft, Inc.,  
18 Debtor.

Case No. 23-62260-dwh11  
**VAN'S AIRCRAFT, INC.'S MOTION  
FOR ENTRY OF ORDER EXTENDING  
DEADLINE TO OBJECT TO CLAIMS**

19 Van's Aircraft, Inc. ("Van's") moves this Court for entry of an order extending the  
20 deadline for Van's to object to proofs of claim (other than Claim Number 572) to August 14,  
21 2024, as set forth below, and states as follows:

22 1. The Court entered its Order Confirming Debtor's Plan of Reorganization Pursuant  
23 to 11 U.S.C. § 1191(b) [ECF No. 143] on May 16, 2024 (the "Plan"). The Plan became effective  
24 on June 1, 2024 (the "Effective Date").

25 2. Pursuant to Article 7.1 of the Plan, unless otherwise ordered by this Court, all  
26 objections to Claims and Scheduled Amounts (other than Administrative Expense Claims) are to  
be filed with the Court and served upon the holder of the Claim objected to on or before sixty  
days after the Effective Date, which deadline is July 31, 2024 (the "Claim Objection Deadline").

1 3. There over 230 proofs of claim which Van's has identified as subject to a  
2 potential objection.  
3 4. Van's professionals have been working to confer with claimants in accordance  
4 with Local Bankruptcy Rule 3007-1(b)(2). The conferral process has yielded positive results,  
5 with at least 65 claimants agreeing to voluntarily withdraw their claims or agreeing to stipulate to  
6 a different treatment of their claim.  
7 5. The conferral process has nonetheless been time consuming. The vast majority of  
8 claimants are not represented by counsel. In response to Van's conferral efforts, some claimants  
9 have raised complicated or detailed issues about their claims, which Van's and its professionals  
10 need more time to review and respond to before proceeding with filing objections to the claims.  
11 Van's would prefer to resolve claims outside of the claim objection process as much as possible.  
12 6. Additionally, many of Van's key personnel who have detailed knowledge of  
13 customer and vendor claims have been in Oshkosh, Wisconsin for the last two weeks for a major  
14 annual experimental aircraft convention. The absence of these personnel has made timely review  
15 and consideration of claimant responses to Van's conferral efforts more challenging.  
16 7. Van's therefore requests a two-week extension of the deadline to object to claims  
17 (other than Claim Number 572) to August 14, 2024, so as to allow the conferral process to  
18 continue to yield positive results, and to reduce the total number of objections to be filed with the  
19 Court.  
20 8. Van's certifies that, for the reasons set forth herein, the requested extension is in  
21 good faith, Van's appropriately used the prior time, and that the continuance is being requested  
22 at the earliest time practical. This is Van's first request for an extension of the Claim Objection  
23 Deadline.  
24 9. Attached hereto as **Exhibit 1** is a proposed Order Extending Deadline to Object to  
25 Claims.  
26

10. WHEREFORE, Van's prays this Court enter the Order Extending Deadline to  
Object to Claims.

DATED: July 30, 2024.

TONKON TORP LLP

By /s/ Ava Schoen

Timothy J. Conway, OSB No. 851752  
Michael W. Fletcher, OSB No. 010448  
Ava Schoen, OSB No. 044072  
Attorneys for Debtor

# EXHIBIT 1

## Proposed Form of Order

I certify that I have complied with the requirements of LBR 9021-1(a).

Presented by:

TONKON TORP LLP

By

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF OREGON

In re

Van's Aircraft, Inc.,

Debtor.

Case No. 23-62260-dwh11

**ORDER EXTENDING DEADLINE TO  
OBJECT TO CLAIMS**

THIS MATTER having come before the Court upon Van's Aircraft, Inc.'s Motion for Entry of Order Extending Deadline to Object to Claims [ECF No. \_\_] (the "Motion"), and the Court having reviewed the Motion and otherwise being duly advised in the premises; NOW, THEREFORE,

IT IS HEREBY ORDERED that the deadline for Van's Aircraft, Inc. to object to claims (other than Claim Number 572) is extended to August 14, 2024.

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